

NOR 3 - Proposed Conditions

Abbreviations and definitions

Acronym/Term	Definition
Activity sensitive to noise	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centre, lecture theatre in a tertiary education facility, classroom in an education facility and healthcare facility with an overnight stay facility.
ARI	Annual Recurrence Interval
Average increase in flood hazard	Flow depth times velocity.
AUP	Auckland Unitary Plan.
BPO or Best Practicable Option	Has the same meaning as in section 2 of the RMA 1991.
CEMP	Construction Environmental Management Plan
Certification	<p>Confirmation from the Manager that a material change to a plan or CNVMP Schedule has been prepared in accordance with the condition to which it relates.</p> <p>A material change to a management plan or CNVMP Schedule shall be deemed certified:</p> <ul style="list-style-type: none"> • where the Requiring Authority has received written confirmation from Council that the material change to the management plan is certified; or • ten working days from the submission of the material change to the management plan where no written confirmation of certification has been received. • five working days from the submission of the material change to a CNVMP Schedule where no written confirmation of certification has been received.
CNVMP	Construction Noise and Vibration Management Plan
CNVMP Schedule or Schedule	A schedule to the CNVMP
Completion of Construction	When construction of the Project (or part of the Project) is complete and it is available for use.
Confirmed Biodiversity Areas	Areas recorded in the Identified Biodiversity Area Schedule where the ecological values and effects have been confirmed through the ecological survey under Condition 21.
Construction Works	Activities undertaken to construct the Project excluding Enabling Works.
Council	Auckland Council
CTMP	Construction Traffic Management Plan
EMP	Ecological Management Plan
EIANZ Guidelines	Ecological Impact Assessment: EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, second edition, dated May 2018.
Enabling works	Includes, but is not limited to, the following and similar activities:

Acronym/Term	Definition
	<ul style="list-style-type: none"> (a) geotechnical investigations (including trial embankments) (b) archaeological site investigations (c) formation of access for geotechnical investigations (d) establishment of site yards, site entrances and fencing (e) constructing and sealing site access roads (f) demolition or removal of buildings and structures (g) relocation of services (h) establishment of mitigation measures (such as erosion and sediment control measures, temporary noise walls, earth bunds and planting)
Existing authorised habitable floor	The floor level of any room (floor) in a residential building which is authorised by building consent and exists at the time the outline plan is submitted, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway or garage.
Flood prone area	A potential ponding area that relies on a single culvert for drainage and does not have an overland flow path.
HHAMP	Historic Heritage Management Plan
HNZPT	Heritage New Zealand Pouhere Taonga.
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
Identified Biodiversity Area	Means an area or areas of features of ecological value where the Project ecologist has identified that the project will potentially have a moderate or greater level of ecological effect, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines.
Manager	The Manager – Resource Consents of the Auckland Council, or authorised delegate.
Mana Whenua	<p>Mana Whenua as referred to in the conditions is considered to be (as a minimum but not limited to) the following (in no particular order), who at the time of Notice of Requirement expressed a desire to be involved in the Project:</p> <ul style="list-style-type: none"> • Ngāti Manuhiri • Ngāti Maru • Ngāti Tamatera • Ngāti Whanaunga • Te Ākitai Waiohua • Ngai Tai Ki Tamaki • Ngāti Whātua o Kaipara • Ngāti Paoa Trust Board • Te Kawerau a Maki • Te Runanga o Ngāti Whātua • Te Patu Kirikiri • Ngāti Paoa Iwi Trust. <p>Note: Other iwi and hapu not identified above may have an interest in the Project and should be consulted.</p>
Maximum Probable Development	Design case for consideration of future flows allowing for development within a catchment that takes into account the maximum impervious surface limits of the current zone or, if the land is zoned Future Urban in

Acronym/Term	Definition
	the Auckland Unitary Plan, the probable level of development arising from zone changes.
Network Utility Operator	Has the same meaning as set out in section 166 of the RMA.
NOR	Notice of Requirement
NZAA	New Zealand Archaeological Association
Outline Plan	An outline plan prepared in accordance with section 176A of the RMA.
Pre-Project development	Existing site condition prior to the Project (including existing buildings and roadways).
Post-Project development	Site condition after the Project has been completed (including existing and new buildings and roadways).
Project Liaison Person	The person or persons appointed for the duration of the Project's Construction Works to be the main point of contact for persons wanting information about the Project or affected by the Construction Works.
Protected Premises and Facilities (PPF)	Protected Premises and Facilities as defined in New Zealand Standard NZS 6806:2010: <i>Acoustics – Road-traffic noise – New and altered roads</i> .
Requiring Authority	Has the same meaning as section 166 of the RMA and, for this Designation is Auckland Transport.
RMA	Resource Management Act (1991)
SCEMP	Stakeholder Communication and Engagement Management Plan
Stage of Work	Any physical works that require the development of an Outline Plan.
Start of Construction	The time when Construction Works (excluding Enabling Works) start.
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability, experience and competence in the relevant field of expertise.
ULDMP	Urban and Landscape Design Management Plan

No.	Condition
1.	<p>Activity in General Accordance with Plans and Information</p> <p>(a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in schedule 1:</p> <p>(b) Where there is inconsistency between:</p> <ul style="list-style-type: none"> (i) the Project description and concept plan in schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.
2.	<p>Project Information</p> <p>(a) A project website, or equivalent virtual information source, shall be established within 12 months of the date on which this designation is included in the AUP. All directly affected owners and occupiers shall be notified in writing once the website or equivalent information source has been established. The project website or virtual information source shall include these conditions and shall provide information on:</p> <ul style="list-style-type: none"> (i) the status of the Project; (ii) anticipated construction timeframes; and (iii) contact details for enquiries. (iv) a subscription service to enable receipt of project updates by email; and (v) how to apply for consent for works in the designation under s176(1)(b) of the RMA. <p>(b) At the start of detailed design for a Stage of Work, the project website or virtual information source shall be updated to provide information on the likely date for Start of Construction, and any staging of works.</p>
3.	<p>Designation Review</p> <p>(a) The Requiring Authority shall within 6 months of Completion of Construction or as soon as otherwise practicable:</p> <ul style="list-style-type: none"> (i) review the extent of the designation to identify any areas of designated land that it no longer requires for the on-going operation, maintenance or mitigation of effects of the Project; and (ii) give notice to Auckland Council in accordance with section 182 of the RMA for the removal of those parts of the designation identified above.
4.	<p>Lapse</p> <p>In accordance with section 184(1)(c) of the RMA, this designation shall lapse if not given effect to within 15 years from the date on which it is included in the AUP.</p>
5.	<p>Network Utility Operators (Section 176 Approval)</p> <p>(a) Prior to the start of Construction Works, Network Utility Operators with existing infrastructure located within the designation will not require written consent under section 176 of the RMA for the following activities:</p> <ul style="list-style-type: none"> (i) operation, maintenance and urgent repair works; (ii) minor renewal works to existing network utilities necessary for the on-going provision or security of supply of network utility operations; (iii) minor works such as new service connections; and (iv) the upgrade and replacement of existing network utilities in the same location with the same or similar effects as the existing utility. <p>To the extent that a record of written approval is required for the activities listed above, this condition shall constitute written approval.</p>
6.	<p>Outline Plan</p> <p>(a) An Outline Plan (or Plans) shall be prepared in accordance with section 176A of the RMA.</p> <p>(b) Outline Plans (or Plan) may be submitted in parts or in stages to address particular activities (e.g. design or construction aspects), or a Stage of Work of the Project.</p> <p>(c) Outline Plans shall include any management plan or plans that are relevant to the management of effects of those activities or Stage of Work, which may include:</p> <ul style="list-style-type: none"> (i) Construction Environmental Management Plan; (ii) Construction Traffic Management Plan; (iii) Construction Noise and Vibration Management Plan;

No.	Condition
	<ul style="list-style-type: none"> (iv) Urban and Landscape Design Management Plan; (v) Historic Heritage Management Plan; and (vi) Ecological Management Plan (vii) Tree Management Plan
7.	<p>Management Plans</p> <p>(a) Any management plan shall:</p> <ul style="list-style-type: none"> (i) Be prepared and implemented in accordance with the relevant management plan condition; (ii) Be prepared by a Suitably Qualified Person(s); (iii) Include sufficient detail relating to the management of effects associated with the relevant activities and/or Stage of Work to which it relates. (iv) Summarise comments received from Mana Whenua and other stakeholders as required by the relevant management plan condition, along with a summary of where comments have: <ul style="list-style-type: none"> a. Been incorporated; and b. Where not incorporated, the reasons why. (v) Be submitted as part of an Outline Plan pursuant to s176A of the RMA, with the exception of SCEMPs and CNVMP Schedules. (vi) Once finalised, uploaded to the Project website or equivalent virtual information source. <p>(b) Any management plan developed in accordance with Condition 7 may:</p> <ul style="list-style-type: none"> (i) Be submitted in parts or in stages to address particular activities (e.g. design or construction aspects) a Stage of Work of the Project, or to address specific activities authorised by the designation. (ii) Except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process. (iii) If there is a material change required to a management plan which has been submitted with an Outline Plan, the revised part of the plan shall be submitted to the Council as an update to the Outline Plan or for Certification as soon as practicable following identification of the need for a revision; <p>(c) Any material changes to the SCEMPs, are to be submitted to the Council for information.</p>
8.	<p>Cultural Advisory Report</p> <p>(a) At least six (6) months prior to the start of detailed design for a Stage of Work, Mana Whenua shall be invited to prepare a Cultural Advisory Report for the Project. The objective of the Cultural Advisory Report is to assist in understanding and identifying Ngā Taonga Tuku Iho ('treasures handed down by our ancestors') affected by the Project, to inform their management and protection. To achieve the objective, the Requiring Authority shall invite Mana Whenua to prepare a Cultural Advisory Report that:</p> <ul style="list-style-type: none"> (i) Identifies the cultural sites, landscapes and values that have the potential to be affected by the construction and operation of the Project; (ii) Sets out the desired outcomes for management of potential effects on cultural sites, landscapes and values; (iii) Identifies traditional cultural practices within the area that may be impacted by the Project; (iv) Identifies opportunities for restoration and enhancement of identified cultural sites, landscapes and values within the Project area; (v) Taking into account the outcomes of (i) to (iv) above, identify cultural matters and principles that should be considered in the development of the Urban and Landscape Design Management Plan and Historic Heritage Management Plan, and the Cultural Monitoring Plan referred to in Condition 14. (vi) Identifies and (if possible) nominates traditional names along the Project alignment. Noting there may be formal statutory processes outside the project required in any decision-making. <p>(b) The desired outcomes for management of potential effects on cultural sites, landscapes and values identified in the Cultural Advisory Report shall be discussed with Mana Whenua and those outcomes reflected in the relevant management plans where practicable.</p> <p>(c) Conditions 8(b) and (c) above will cease to apply if:</p> <ul style="list-style-type: none"> (i) Mana Whenua have been invited to prepare a Cultural Advisory Report by a date at least 6 months prior to start of Construction Works; and

No.	Condition
	(ii) Mana Whenua have not provided a Cultural Advisory Report within six months prior to start of Construction Works.
9.	<p>Urban and Landscape Design Management Plan (ULDMP)</p> <p>(a) A ULDMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) Mana Whenua shall be invited to participate in the development of the ULDMP(s) to provide input into relevant cultural landscape and design matters including how desired outcomes for management of potential effects on cultural sites, landscapes and values identified and discussed in accordance with the Cultural Advisory Report, Condition 8, (specifically subclause (c) which requires discussion of recommendations with RA on practicality of implementation may be reflected in the ULDMP. The objective of the ULDMP(s) is to:</p> <p>(i) Enable integration of the Project's permanent works into the surrounding landscape and urban context; and</p> <p>(ii) Ensure that the Project manages potential adverse landscape and visual effects as far as practicable and contributes to a quality urban environment.</p> <p>(c) The ULDMP shall be prepared in general accordance with:</p> <p>(i) Auckland Transport's Urban Roads and Streets Design Guide;</p> <p>(ii) Waka Kotahi Urban Design Guidelines: Bridging the Gap (2013) or any subsequent updated version;</p> <p>(iii) Waka Kotahi Landscape Guidelines (2013) or any subsequent updated version;</p> <p>(iv) Waka Kotahi P39 Standard Specification for Highway Landscape Treatments (2013) or any subsequent updated version; and</p> <p>(v) Auckland's Urban Ngahere (Forest) Strategy or any subsequent updated version.</p> <p>(d) To achieve the objective, the ULDMP(s) shall provide details of how the project:</p> <p>(i) Is designed to integrate with the adjacent urban (or proposed urban) and landscape context, including the surrounding existing or proposed topography, urban environment (i.e. centres and density of built form), natural environment, landscape character and open space zones;</p> <p>(ii) Provides appropriate walking and cycling connectivity to, and interfaces with, existing or proposed adjacent land uses, public transport infrastructure and walking and cycling connections;</p> <p>(iii) Promotes inclusive access (where appropriate); and</p> <p>(iv) Promotes a sense of personal safety by aligning with best practice guidelines, such as:</p> <p>a. Crime Prevention Through Environmental Design (CPTED) principles;</p> <p>b. Safety in Design (SID) requirements; and</p> <p>c. Maintenance in Design (MID) requirements and anti-vandalism/anti-graffiti measures.</p> <p>(e) The ULDMP(s) shall include:</p> <p>(i) A concept plan – which depicts the overall landscape and urban design concept, and explain the rationale for the landscape and urban design proposals;</p> <p>(ii) Developed design concepts, including principles for walking and cycling facilities and public transport; and</p> <p>(iii) Landscape and urban design details – that cover the following:</p> <p>a. Road design – elements such as intersection form, carriageway gradient and associated earthworks contouring including cut and fill batters and the interface with adjacent land uses, benching, spoil disposal sites, median width and treatment, roadside width and treatment;</p> <p>b. Roadside elements – such as lighting, fencing, wayfinding and signage;</p> <p>c. architectural and landscape treatment of all major structures, including bridges and retaining walls;</p> <p>d. Architectural and landscape treatment of noise barriers;</p> <p>e. Landscape treatment of permanent stormwater control wetlands and swales;</p> <p>f. Integration of passenger transport;</p> <p>g. Pedestrian and cycle facilities including paths, road crossings and dedicated pedestrian/ cycle bridges or underpasses;</p> <p>h. Historic heritage places with reference to the HHMP; and</p> <p>i. Re-instatement of construction and site compound areas, driveways, accessways and fences.</p> <p>(f) The ULDMP shall also include the following planting details and maintenance requirements:</p> <p>(i) planting design details including:</p>

No.	Condition
	<ul style="list-style-type: none"> a. Identification of existing trees and vegetation that will be retained with reference to the Tree Management Plan. Where practicable, mature trees and native vegetation should be retained; b. Street trees, shrubs and ground cover suitable for berms; c. treatment of fill slopes to integrate with adjacent land use, streams, Riparian margins and open space zones; d. planting of stormwater wetlands; e. Identification of vegetation to be retained and any planting requirements under Conditions 21, 22, 23 and 24; f. Integration of any planting requirements required by conditions of any resource consents for the project; and g. Re-instatement planting of construction and site compound areas as appropriate. <p>(ii) A planting programme including the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within each planting season following completion of works in each Stage of Work; and</p> <p>(iii) Detailed specifications relating to the following:</p> <ul style="list-style-type: none"> a. Weed control and clearance; b. Pest animal management (to support plant establishment); c. Ground preparation (top soiling and decompaction); d. Mulching; and e. Plant sourcing and planting, including hydroseeding and grassing, and use of eco-sourced species.
	<p>Advice Note:</p> <p><i>This designation is for the purpose of construction, operation and maintenance of an arterial transport corridor and it is not for the specific purpose of "road widening". Therefore, it is not intended that the front yard definition in the Auckland Unitary Plan which applies a set back from a designation for road widening purposes applies to this designation. A set back is not required to manage effects between the designation boundary and any proposed adjacent sites or lots.</i></p>
10.	<p>Flood Hazard</p> <p>(a) The Project shall be designed to achieve the following flood risk outcomes:</p> <ul style="list-style-type: none"> (i) no increase in flood levels for existing authorised habitable floors that are already subject to flooding; (ii) no more than a 10% reduction in freeboard for existing authorised habitable floors; (iii) no increase of more than 50mm in flood level on land zoned for urban or future urban development where there is no habitable existing dwelling; (iv) no new flood prone areas; and (v) no more than a 10% average increase of flood hazard (defined as flow depth times velocity) for main access to authorised habitable dwellings existing at time the Outline Plan is submitted. <p>(b) Compliance with this condition shall be demonstrated in the Outline Plan, which shall include flood modelling of the pre-Project and post-Project 100 year ARI flood levels (for Maximum Probable Development land use and including climate change).</p> <p>(c) Where the above outcomes can be achieved through alternative measures outside of the designation such as flood stop banks, flood walls, raising existing authorised habitable floor level and new overland flow paths or varied through agreement with the relevant landowner, the Outline Plan shall include confirmation that any necessary landowner and statutory approvals have been obtained for that work or alternative outcome.</p>
11.	<p>Construction Environmental Management Plan (CEMP)</p> <p>(a) A CEMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to, avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable. To achieve the objective, the CEMP shall include:</p> <ul style="list-style-type: none"> (i) the roles and responsibilities of staff and contractors; (ii) details of the site or project manager and the Project Liaison Person, including their contact details (phone and email address); (iii) the Construction Works programmes and the staging approach, and the proposed hours of work;

No.	Condition
	<ul style="list-style-type: none"> (iv) details of the proposed construction yards including temporary screening when adjacent to residential areas, (v) locations of refuelling activities and construction lighting; (vi) methods for controlling dust and the removal of debris and demolition of construction materials from public roads or places; (vii) methods for providing for the health and safety of the general public; (viii) procedures for incident management; (ix) procedures for the refuelling and maintenance of plant and equipment to avoid discharges of fuels or lubricants to Watercourses; (x) measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up; (xi) procedures for responding to complaints about Construction Works; and (xii) methods for amending and updating the CEMP as required.
12.	<p>Stakeholder and Communication and Engagement Management Plan (SCEMP)</p> <p>(a) A SCEMP shall be prepared prior to the Start of Construction for a Stage of Work. The objective of the SCEMP is to identify how the public and stakeholders (including directly affected and adjacent owners and occupiers of land) will be engaged with throughout the Construction Works. To achieve the objective, the SCEMP shall include:</p> <ul style="list-style-type: none"> (i) the contact details for the Project Liaison Person. These details shall be on the Project website, or equivalent virtual information source, and prominently displayed at the main entrance(s) to the site(s); (ii) the procedures for ensuring that there is a contact person available for the duration of Construction Works, for public enquiries or complaints about the Construction Works; (iii) methods for engaging with Mana Whenua, to be developed in consultation with Mana Whenua; (iv) a list of stakeholders, organisations (such as community facilities) and businesses who will be engaged with; (v) Identification of the properties whose owners will be engaged with; (vi) Methods and timing to engage with landowners whose access is directly affected (vii) methods to communicate key project milestones and the proposed hours of construction activities including outside of normal working hours and on weekends and public holidays, to the parties identified in (iv) and (v) above; and (viii) linkages and cross-references to communication and engagement methods set out in other conditions and management plans where relevant.
13.	<p>Complaints Register</p> <p>(a) At all times during Construction Works, a record of any complaints received about the Construction Works shall be maintained. The record shall include:</p> <ul style="list-style-type: none"> (i) The date, time and nature of the complaint; (ii) The name, phone number and address of the complainant (unless the complainant wishes to remain anonymous); (iii) Measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate; (iv) The outcome of the investigation into the complaint; (v) Any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally. <p>(b) A copy of the Complaints Register required by this condition shall be made available to the Manager upon request as soon as practicable after the request is made.</p>
14.	Cultural Monitoring Plan

No.	Condition
	<p>(a) Prior to the start of Construction Works, a Cultural Monitoring Plan shall be prepared by a Suitably Qualified Person(s) identified in collaboration with Mana Whenua.</p> <p>(b) The objective of the Cultural Monitoring Plan is to identify methods for undertaking cultural monitoring to assist with management of any cultural effects during Construction works. The Cultural Monitoring Plan shall include:</p> <ul style="list-style-type: none"> (i) Requirements for formal dedication or cultural interpretation to be undertaken prior to start of Construction Works in areas identified as having significance to Mana Whenua; (ii) Requirements and protocols for cultural inductions for contractors and subcontractors; (iii) Identification of activities, sites and areas where cultural monitoring is required during particular Construction Works; (iv) Identification of personnel to undertake cultural monitoring, including any geographic definition of their responsibilities; and (v) Details of personnel to assist with management of any cultural effects identified during cultural monitoring, including implementation of the Accidental Discovery Protocol <p>(c) If Enabling Works involving soil disturbance are undertaken prior to the start of Construction Works, an Enabling Works Cultural Monitoring Plan shall be prepared by a Suitably Qualified Person identified in collaboration with Mana Whenua. This plan may be prepared as a standalone Enabling Works Cultural Monitoring Plan or be included in the main Construction Works Cultural Monitoring Plan.</p> <p>Advice Note: <i>Where appropriate, the Cultural Monitoring Plan shall align with the requirements of other conditions of the designation and resource consents for the Project which require monitoring during Construction Works.</i></p>
15.	<p>Construction Traffic Management Plan (CTMP)</p> <p>(a) A CTMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the CTMP is to avoid, remedy or mitigate, as far as practicable, adverse construction traffic effects</p> <p>To achieve this objective, the CTMP shall include:</p> <ul style="list-style-type: none"> (i) methods to manage the effects of temporary traffic management activities on traffic; (ii) measures to ensure the safety of all transport users; (iii) the estimated numbers, frequencies, routes and timing of traffic movements, including any specific non-working or non-movement hours to manage vehicular and pedestrian traffic near schools or to manage traffic congestion; (iv) site access routes and access points for heavy vehicles, the size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors; (v) identification of detour routes and other methods to ensure the safe management and maintenance of traffic flows, including pedestrians and cyclists, on existing roads; (vi) methods to maintain vehicle access to property and/or private roads where practicable, or to provide alternative access arrangements when it will not be; (vii) the management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads; (viii) methods that will be undertaken to communicate traffic management measures to affected road users (e.g. residents / public / stakeholders / emergency services);
16.	Construction Noise Standards

No.	Condition																																																										
	<p>(a) Construction noise shall be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise standards set out in the following table as far as practicable:</p> <p>Table 17.1: Construction noise standards</p> <table border="1" data-bbox="306 405 1273 1249"> <thead> <tr> <th>Day of week</th> <th>Time period</th> <th>L_{Aeq}(15min)</th> <th>L_{AFmax}</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;">Occupied activity sensitive to noise</td> </tr> <tr> <td rowspan="4">Weekday</td> <td>0630h - 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>65 dB</td> <td>80 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Saturday</td> <td>0630h - 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Sunday and Public Holidays</td> <td>0630h - 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td colspan="4" style="text-align: center;">Other occupied buildings</td> </tr> <tr> <td rowspan="2">All</td> <td>0730h – 1800h</td> <td>70 dB</td> <td></td> </tr> <tr> <td>1800h – 0730h</td> <td>75 dB</td> <td></td> </tr> </tbody> </table> <p>Where compliance with the noise standards set out in Table [above] is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 19(c)((x)), then the methodology in Condition 19 shall apply.</p>	Day of week	Time period	L _{Aeq} (15min)	L _{AFmax}	Occupied activity sensitive to noise				Weekday	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	65 dB	80 dB	2000h - 0630h	45 dB	75 dB	Saturday	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Sunday and Public Holidays	0630h - 0730h	45 dB	75 dB	0730h - 1800h	55 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Other occupied buildings				All	0730h – 1800h	70 dB		1800h – 0730h	75 dB	
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	1800h – 0730h	75 dB																																																									
17.	<p>Construction Vibration Standards</p> <p>(a) Construction vibration shall be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures and shall comply with the vibration standards set out in the following table as far as practicable.</p> <p>Table CNV2 Construction vibration criteria</p> <table border="1" data-bbox="284 1576 1340 1901"> <thead> <tr> <th>Receiver</th> <th>Details</th> <th>Category A</th> <th>Category B</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied Activities sensitive to noise</td> <td>Night-time 2000h - 0630h</td> <td>0.3mm/s ppv</td> <td>2mm/s ppv</td> </tr> <tr> <td>Daytime 0630h - 2000h</td> <td>2mm/s ppv</td> <td>5mm/s ppv</td> </tr> <tr> <td>Other occupied buildings</td> <td>Daytime 0630h - 2000h</td> <td>2mm/s ppv</td> <td>5mm/s ppv</td> </tr> <tr> <td>All other buildings</td> <td>At all other times</td> <td colspan="2">Tables 1 and 3 of DIN4150-3:1999</td> </tr> </tbody> </table> <p>*Category A criteria adopted from Rule E25.6.30.1 of the AUP</p> <p>**Category B criteria based on DIN 4150-3:1999 building damage criteria for daytime</p>	Receiver	Details	Category A	Category B	Occupied Activities sensitive to noise	Night-time 2000h - 0630h	0.3mm/s ppv	2mm/s ppv	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	Other occupied buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv	All other buildings	At all other times	Tables 1 and 3 of DIN4150-3:1999																																								
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No.	Condition
	(b) Where compliance with the vibration standards set out in Table [above] is not practicable, and unless otherwise provided for in the CNVMP as required by Condition 19(c)((x)), then the methodology in Condition 19 shall apply
18.	<p>Construction Noise and Vibration Management Plan (CNVMP)</p> <p>(a) A CNVMP shall be prepared prior to the Start of Construction for a Stage of Work.</p> <p>(b) A CNVMP shall be implemented during the Stage of Work to which it relates.</p> <p>(c) The objective of the CNVMP is to provide a framework for the development and implementation of the Best Practicable Option for the management of construction noise and vibration effects to achieve the construction noise and vibration standards set out in Conditions 16 and 17 to the extent practicable. To achieve this objective, the CNVMP shall be prepared in accordance with Annex E2 of the New Zealand Standard NZS6803:1999 'Acoustics – Construction Noise' (NZS6803:1999) and shall as a minimum, address the following:</p> <ul style="list-style-type: none"> (i) Description of the works and anticipated equipment/processes; (ii) Hours of operation, including times and days when construction activities would occur; (iii) The construction noise and vibration standards for the project; (iv) Identification of receivers where noise and vibration standards apply; (v) A hierarchy of management and mitigation options, including any requirements to limit night works and works during other sensitive times, including Sundays and public holidays as far practicable (vi) Methods and frequency for monitoring and reporting on construction noise and vibration; (vii) Procedures for communication and engagement with nearby residents and stakeholders, including notification of proposed construction activities, the period of construction activities, and management of noise and vibration complaints. (viii) Contact details of the Project Liaison Person; (ix) Procedures for the regular training of the operators of construction equipment to minimise noise and vibration as well as expected construction site behaviours for all workers; (x) Identification of areas where compliance with the noise [Condition 16] and/or vibration standards [Condition 17 Category A or Category B] will not be practicable and the specific management controls to be implemented and consultation requirements with owners and occupiers of affected sites. (xi) Procedures and requirements for the preparation of a Schedule to the CNVMP (Schedule) for those areas where compliance with the noise [Condition 16] and/or vibration standards [Condition 17 Category B] will not be practicable and where sufficient information is not available at the time of the CNVMP to determine the area specific management controls Condition 18 (c)((x)). (xii) Procedures for: <ul style="list-style-type: none"> a. communicating with affected receivers, where measured or predicted vibration from construction activities exceeds the vibration criteria of Condition 16; b. assessing, mitigating and monitoring vibration where measured or predicted vibration from construction activities exceeds the Category A vibration criteria of Condition 16, including the requirement to undertake building condition surveys before and after works to determine whether any damage has occurred as a result of construction vibration; and <p>(i) Requirements for review and update of the CNVMP</p>

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19.	<p>Schedule to a CNVMP</p> <p>(a) Unless otherwise provided for in a CNVMP, a Schedule to the CNVMP (Schedule) shall be prepared prior to the start of the construction to which it relates by a Suitably Qualified Person, in consultation with the owners and occupiers of sites subject to the Schedule, when:</p> <ul style="list-style-type: none"> (i) Construction noise is either predicted or measured to exceed the noise standards in Condition 16, except where the exceedance of the L_{Aeq} criteria is no greater than 5 decibels and does not exceed: <ul style="list-style-type: none"> a. 0630 – 2000: 2 period of up to 2 consecutive weeks in any 2 months, or b. 2000 - 0630: 1 period of up to 2 consecutive nights in any 10 days. (ii) Construction vibration is either predicted or measured to exceed the Category B standard at the receivers in Condition 17. <p>(b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. The Schedule shall include details such as:</p> <ul style="list-style-type: none"> (i) Construction activity location, start and finish dates; (ii) The nearest neighbours to the construction activity; (iii) The predicted noise and/or vibration level for all receivers where the levels are predicted or measured to exceed the applicable standards and predicted duration of the exceedance; (iv) The proposed mitigation options that have been selected, and the options that have been discounted as being impracticable and the reasons why; (v) The consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account; and (vi) Location, times and types of monitoring; <p>(c) The Schedule shall be submitted to the Manager for certification at least 5 working days (except in unforeseen circumstances) in advance of Construction Works that are covered by the scope of the Schedule and shall form part of the CNVMP.</p> <p>(d) Where material changes are made to a Schedule required by this condition, the Requiring Authority shall consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for certification in accordance with (c) above. The amended Schedule shall document the consultation undertaken with those owners and occupiers, and how consultation outcomes have and have not been taken into account.</p>
20.	<p>Historic Heritage Management Plan (HHMP)</p> <p>(a) A HHMP shall be prepared in consultation with Council, HNZPT and Mana Whenua prior to the Start of Construction for a Stage of Work.</p> <p>(b) The objective of the HHMP is to protect historic heritage and to remedy and mitigate any residual effects as far as practicable. To achieve the objective, the HHMP shall identify:</p> <ul style="list-style-type: none"> (i) Any adverse direct and indirect effects on historic heritage sites and measures to appropriately avoid, remedy or mitigate any such effects, including a tabulated summary of these effects and measures; (ii) Methods for the identification and assessment of potential historic heritage places within the Designation to inform detailed design; (iii) Known historic heritage places and potential archaeological sites within the Designation, including identifying any archaeological sites for which an Archaeological Authority under the HNZPTA will be sought or has been granted; (iv) Any unrecorded archaeological sites or post-1900 heritage sites within the Designation, which shall also be documented and recorded; (v) Roles, responsibilities and contact details of Project personnel, Council and HNZPT representatives, Mana Whenua representatives, and relevant agencies involved with heritage and archaeological matters including surveys, monitoring of Construction Works, compliance with AUP accidental discovery rule, and monitoring of conditions; (vi) Specific areas to be investigated, monitored and recorded to the extent these are directly affected by the Project; (vii) The proposed methodology for investigating and recording post-1900 historic heritage sites (including buildings) that need to be destroyed, demolished or relocated, including details of their condition, measures to mitigate any adverse

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	<p>effects and timeframe for implementing the proposed methodology, in accordance with the HNZPT Archaeological Guidelines Series No.1: Investigation and Recording of Buildings and Standing Structures (November 2018), or any subsequent version;</p> <p>(viii) Methods to acknowledge cultural values identified through Condition 8 where archaeological sites also involve ngā taonga tuku iho (treasures handed down by our ancestors) and where feasible and practicable to do so;</p> <p>(ix) Methods for avoiding, remedying or mitigation adverse effects on historic heritage places and sites within the Designation during Construction Works as far as practicable. These methods shall include, but are not limited to:</p> <ol style="list-style-type: none"> a. security fencing or hoardings around historic heritage places to protect them from damage during construction or unauthorised access b. measures to mitigate adverse effects on historic heritage sites that achieve positive historic heritage outcomes such as increased public awareness and interpretation signage; and c. Training requirements and inductions for contractors and subcontractors on historic heritage places within the Designation, legal obligations relating to accidental discoveries, the AUP Accidental Discovery Rule (E11.6.1) . The training shall be undertaken prior to the Start of Construction, under the guidance of a Suitably Qualified Person and Mana Whenua representatives (to the extent the training relates to cultural values identified under Condition 14. <p>(c) Electronic copies of all historic heritage reports relating to historic heritage investigations (evaluation, excavation and monitoring), shall be submitted to the Manager within 12 months of completion.</p>
<p>Accidental Discoveries</p> <p>Advice Note: The Requiring Authority is advised of the requirements of Rule E11.6.1 of the AUP for “Accidental Discovery” as they relate to both contaminated soils and heritage items.</p> <p>The requirements for accidental discoveries of heritage items are set out in Rule E11.6.1 of the AUP [and in the Waka Kotahi Minimum Standard P45 Accidental Archaeological Discovery Specification, or any subsequent version].</p>	
21.	<p>Pre-Construction Ecological Survey</p> <p>(a) At the start of detailed design for a Stage of Work, an updated ecological survey shall be undertaken by a Suitably Qualified Person. The purpose of the survey is to inform the detailed design of the ecological management plan by:</p> <ol style="list-style-type: none"> (i) Confirming whether the species of value within the Identified Biodiversity Areas recorded in the <i>Identified Biodiversity Area Schedule [2]</i> are still present; (ii) Confirming whether the project will or may have a moderate or greater level of ecological effect on ecological species of value, prior to implementation of impact management measures, as determined in accordance with the EIANZ guidelines. <p>(b) If the ecological survey confirms the presence of ecological features of value in accordance with condition 21(a)(i) and that effects are likely in accordance with condition 21(a)(ii) then an Ecological Management Plan (or Plans) shall be prepared in accordance with Condition 22 for these areas (Confirmed Biodiversity Areas).</p>
22.	<p>Ecological Management Plan (EMP)</p> <p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 21) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. The EMP shall set out the methods that will be used to achieve the objective which may include:</p> <ol style="list-style-type: none"> (ii) If an EMP is required in accordance with condition 21(b) for the presence of threatened or at risk birds (excluding wetland birds): <ol style="list-style-type: none"> a. How the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable;

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	<ul style="list-style-type: none"> b. Where Pipit are identified as being present, how the timing of any Construction Works shall be undertaken outside of the Pipit bird breeding season (August to February) where practicable; and c. Where works are required within the area identified in the Confirmed Biodiversity Area during the bird breeding season (including Pipits), methods to minimise adverse effects on Threatened or At-Risk birds. d. Details of grass maintenance if Pipit are present. <p>(b) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.</p> <p>Advice Note:</p> <p><i>Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans:</i></p> <ul style="list-style-type: none"> (i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).
23.	<p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 21) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. The EMP shall set out the methods that will be used to achieve the objective which may include:</p> <p>(i) If an EMP is required in accordance with condition 21(b) for the presence of threatened or at risk wetland birds:</p> <ul style="list-style-type: none"> a. How the timing of any Construction Works shall be undertaken outside of the bird breeding season (September to February) where practicable. b. Where works are required within the Confirmed Biodiversity Area during the bird season, methods to minimise adverse effects on Threatened or At-Risk wetland birds c. undertaking a nesting bird survey of Threatened or At-Risk wetland birds prior to any Construction Works taking place within a 50m radius of any identified Wetlands (including establishment of construction areas adjacent to Wetlands). Surveys should be repeated at the beginning of each wetland bird breeding season and following periods of construction inactivity; d. What protection and buffer measures will be provided where nesting Threatened or At-Risk wetland birds are identified within 50m of any construction area (including laydown areas). Measures could include: <ul style="list-style-type: none"> i. a 20 m buffer area around the nest location and retaining vegetation. The buffer areas should be demarcated where necessary to protect birds from encroachment. This might include the use of marker poles, tape and signage; ii. monitoring of the nesting Threatened or At-Risk wetland birds by a Suitably Qualified and Experienced Person. Construction works within the 20m nesting buffer areas should not occur until the Threatened or At-Risk wetland birds have fledged from the nest location (approximately 30 days from egg laying to fledging) as confirmed by a Suitably Qualified and Experienced Person; and iii. minimising the disturbance from the works if construction works are required within 50 m of a nest, as advised by a Suitably Qualified and Experienced Person. iv. adopting a 10m setback where practicable, between the edge of Wetlands and construction areas (along the edge of the stockpile/laydown area). v. Minimising light spill from construction areas into Wetlands e. Details on any mitigation required to address any potential operational disturbance

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	<p>(b) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.</p> <p>Advice Note:</p> <p><i>Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans:</i></p> <p>(i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).</p>
24.	<p>(a) An EMP shall be prepared for any Confirmed Biodiversity Areas (confirmed through Condition 21) prior to the Start of Construction for a Stage of Work. The objective of the EMP is to minimise effects of the Project on the ecological features of value of Confirmed Biodiversity Areas as far as practicable. The EMP shall set out the methods that will be used to achieve the objective which may include:</p> <p>(i) If an EMP is required in accordance with condition 21(b) for the presence of long tail bats, the EMP may include:</p> <ol style="list-style-type: none"> a. measures to minimise, disturbance from construction activities within the vicinity of any active long tail bat roosts (including maternity) that are discovered through survey until such roosts are confirmed to be vacant of bats. b. how the timing of any construction work in the vicinity of any maternity long tail bat roosts will be limited to outside the bat maternity period (between December and March) where reasonably practicable; c. details of areas where vegetation is to be retained where practicable for the purposes of the connectivity of long tail bats; d. details of how bat connectivity (including suitable indigenous or exotic trees or artificial alternatives) will be provided and maintained. This could include <ol style="list-style-type: none"> (i) identification of areas and timeframes for establishment of advance restoration / mitigation planting (including suitable indigenous or exotic trees or artificial alternatives) taking into account land ownership, accessibility and the timing of available funding (ii) Details of measures to manage the effects of light spill on bat connectivity as far as practicable. e. Where mitigation to minimise effects is not practicable, details of any offsetting proposed. <p>(b) The EMP shall be consistent with any ecological management measures to be undertaken in compliance with conditions of any regional resource consents granted for the Project.</p> <p>Advice Note:</p> <p><i>Depending on the potential effects of the Project, the regional consents for the Project may include the following monitoring and management plans:</i></p> <p>(i) Stream and/or wetland restoration plans; (ii) Vegetation restoration plans; and (iii) Fauna management plans (eg avifauna, herpetofauna, bats).</p>
25.	<p>Low Noise Road Surface</p> <p>The following condition only applies where an upgrade or extension to an existing road is within or adjacent to urban zoning (excluding open space and special purpose zones)</p> <p>(a) Asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented within 12 months of Completion of Construction of the project.</p> <p>(b) Any future resurfacing works of the Project shall be undertaken in accordance with the Auckland Transport Reseal Guidelines, Asset Management and Systems 2013 or any updated version and asphaltic concrete surfacing (or equivalent low noise road surface) shall be implemented where:</p> <p>(i) The volume of traffic exceeds 10,000 vehicles per day; or</p> <ol style="list-style-type: none"> a. The road is subject to high wear and tear (such as cul de sac heads, roundabouts and main road intersections); or b. It is in an industrial or commercial area where there is a high concentration of truck traffic; or

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	<p>c. It is subject to high usage by pedestrians, such as town centres, hospitals, shopping centres and schools.</p> <p>(c) Prior to commencing any future resurfacing works, the Requiring Authority shall advise the Manager if any of the triggers in Condition 24(b)(i) – (iv) are not met by the road or a section of it and therefore where the application of asphaltic concrete surfacing (or equivalent low noise road surface) is no longer required on the road or a section of it. Such advice shall also indicate when any resealing is to occur.</p>
26.	<p>Traffic Noise</p> <p>For the purposes of Conditions 27 to 39:</p> <p>(a) Building-Modification Mitigation – has the same meaning as in NZS 6806;</p> <p>(b) Design year has the same meaning as in NZS 6806;</p> <p>(c) Detailed Mitigation Options – means the fully detailed design of the Selected Mitigation Options, with all practical issues addressed;</p> <p>(d) Habitable Space – has the same meaning as in NZS 6806;</p> <p>(e) Identified Noise Criteria Category – means the Noise Criteria Category for a PPF identified in <i>Schedule 4: Identified PPFs Noise Criteria Categories</i>;</p> <p>(f) Mitigation – has the same meaning as in NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads;</p> <p>(g) Noise Criteria Categories – means the groups of preference for sound levels established in accordance with NZS 6806 when determining the Best Practicable Option for noise mitigation (i.e. Categories A, B and C);</p> <p>(h) NZS 6806 – means New Zealand Standard NZS 6806:2010 Acoustics – Road-traffic noise – New and altered roads;</p> <p>(i) Protected Premises and Facilities (PPFs) – means only the premises and facilities identified in green, orange or red in <i>Schedule 4: PPFs Noise Criteria Categories</i>;</p> <p>(j) Selected Mitigation Options – means the preferred mitigation option resulting from a Best Practicable Option assessment undertaken in accordance with NZS 6806; and</p> <p>(k) Structural Mitigation – has the same meaning as in NZS 6806.</p>
27.	<p>The Noise Criteria Categories identified in <i>Schedule 4: PPFs Noise Criteria Categories</i> at each of the PPFs shall be achieved where practicable and subject to Conditions 26 to 39 (all traffic noise conditions).</p> <p>Achievement of the Noise Criteria Categories for PPFs shall be by reference to a traffic forecast for a high growth scenario in a design year at least 10 years after the programmed opening of the Project.</p>
28.	<p>As part of the detailed design of the Project, a Suitably Qualified Person shall determine the Selected Mitigation Options for the PPFs identified on <i>Schedule 4 PPFs Noise Criteria Categories</i>.</p>
29.	<p>Prior to construction of the Project, a Suitably Qualified Person shall develop the Detailed Mitigation Options for the PPFs identified in <i>Schedule 4 PPFs Noise Criteria Categories</i>, taking into account the Selected Mitigation Options.</p>
30.	<p>If the Detailed Mitigation Options would result in the Identified Noise Criteria Category changing to a less stringent Category, e.g. from Category A to B or Category B to C, at any relevant PPF, a Suitably Qualified Person shall provide confirmation to the Manager that the Detailed Mitigation Option would be consistent with adopting the Best Practicable Option in accordance with NZS 6806 prior to implementation.</p>
31.	<p>Prior to the Start of Construction, a Noise Mitigation Plan written in accordance with P40 shall be provided to the Manager for information.</p>
32.	<p>The Detailed Mitigation Options shall be implemented prior to completion of construction of the Project, with the exception of any low-noise road surfaces, which shall be implemented within twelve months of completion of construction.</p>
33.	<p>Prior to the Start of Construction, a Suitably Qualified Person shall identify those PPFs which, following implementation of all the Detailed Mitigation Options, will not be Noise Criteria Categories A or B and where Building-Modification Mitigation might be required to achieve 40 dB L_{Aeq(24h)} inside Habitable Spaces ('Category C Buildings').</p>

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34.	Prior to the Start of Construction in the vicinity of each Category C Building, the Requiring Authority shall write to the owner of the Category C Building requesting entry to assess the noise reduction performance of the existing building envelope. If the building owner agrees to entry within three months of the date of the Requiring Authority's letter, the Requiring Authority shall instruct a Suitably Qualified Person to visit the building and assess the noise reduction performance of the existing building envelope.
35.	<p>For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 34 above if:</p> <ul style="list-style-type: none"> (a) The Requiring Authority's Suitably Qualified Person has visited the building and assessed the noise reduction performance of the building envelope; or (b) The building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or (c) The building owner did not agree to entry within three of the date of the Requiring Authority's letter sent in accordance with Condition 34 above (including where the owner did not respond within that period); or (d) The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the Project. <p>If any of (b) to (d) above apply to a Category C Building, the Requiring Authority is not required to implement Building-Modification Mitigation to that building.</p>
36.	<p>Subject to Condition 35 above, within six months of the assessment undertaken in accordance with Conditions 34 and 35, the Requiring Authority shall write to the owner of each Category C Building advising:</p> <ul style="list-style-type: none"> (a) If Building-Modification Mitigation is required to achieve 40 dB LAeq(24h) inside habitable spaces; and (b) The options available for Building-Modification Mitigation to the building, if required; and (c) That the owner has three months to decide whether to accept Building-Modification Mitigation to the building and to advise which option for Building-Modification Mitigation the owner prefers, if the Requiring Authority has advised that more than one option is available.
37.	Once an agreement on Building-Modification Mitigation is reached between the Requiring Authority and the owner of a Category C Building, the mitigation shall be implemented, including any third party authorisations required, in a reasonable and practical timeframe agreed between the Requiring Authority and the owner.
38.	<p>Subject to Condition 35, where Building-Modification Mitigation is required, the Requiring Authority is deemed to have complied with Condition 37 if:</p> <ul style="list-style-type: none"> (a) The Requiring Authority has completed Building Modification Mitigation to the building; or (b) An alternative agreement for mitigation is reached between the Requiring Authority and the building owner; or (c) The building owner did not accept the Requiring Authority's offer to implement Building-Modification Mitigation within three months of the date of the Requiring Authority's letter sent in accordance with Condition 35 (including where the owner did not respond within that period); or (d) The building owner cannot, after reasonable enquiry, be found prior to completion of construction of the Project.
39.	The Detailed Mitigation Options shall be maintained so they retain their noise reduction performance as far as practicable